



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Pipeline and
Hazardous Materials
Safety Administration**

JUL 1 2005

DOT-E 14155

EXPIRATION DATE: May 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: American Promotional Events (dba TNT Fireworks)
Florence, AL
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the one-way transportation in commerce of Division 1.4G fireworks in non-DOT specification fiberboard or plastic non-bulk outer packagings under the terms and conditions specified in this exemption when transported by private motor carrier. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302 (b) and (c) in that the requirement to mark the exemption number on the outside of the package is waived and § 173.62(c), Packaging Instruction 135 in that non-DOT specification fiberboard and plastic packagings are not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of American Promotional Events, Inc. dated February 7, 2005 and additional information dated March 25, 2005, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):**JUL 1 2005**

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Fireworks	1.4G	UN0336	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Division 1.4G fireworks must be packaged in rigid double walled fiberboard boxes or plastic outer packagings that are closed and sealed to prevent loss of contents. The gross weight of any package shall not exceed 30 Kilograms (66 pounds). Incompletely filled outer packagings must contain sufficient cushioning material so as to prevent any movement within the package during transport.

b. OPERATIONAL CONTROLS -

- (1) All packaging, marking and labeling of the fireworks at retail outlets for return to American Promotional Events must be performed by American Promotional Events employees. American Promotional Events employees must prepare of all shipping documents.
- (2) No unpackaged or loose fireworks or fireworks in launching tubes or devices may be shipped under the terms of this exemption.
- (3) This exemption only authorizes the one-time transportation of the packagings described in paragraph 7.a. above from retail outlets to American Promotional Events warehouses.
- (4) Transportation must be by private motor carrier within a 600 mile radius of the American Promotional Events warehouse where the fireworks will be delivered.
- (5) No other hazardous material may be on the motor vehicle.

JUL 1 2005

(6) The driver of the transport vehicle must be instructed that when the vehicle is in an accident involving spilled fuel or fire, the vehicle must be moved to a safe location unless moving the vehicle would directly endanger others.

8. SPECIAL PROVISIONS:

a. This exemption is only valid for transport of Division 1.4G fireworks which have been previously approved by the Associate Administrator for Hazardous Materials Safety.

b. A current copy of this exemption must be maintained at each facility where the package is offered for transportation.

c. The marking requirements of § 172.302(b) and (c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving fire, explosion or loss of a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.

for 

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUL 1 2005

DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590.

Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: SCWatson